

BOARD OF SUPERVISORS

Brown County



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LAND CONSERVATION SUBCOMMITTEE

Norb Dantinne, Chair  
Dave Kaster, Vice Chair  
Bernie Erickson, Mike Fleck, Dan Haefs, Norbert Vande Hei

**LAND CONSERVATION SUBCOMMITTEE**

**Tuesday, June 1, 2010  
5:00 p.m. (PD&T to Follow)  
Auditorium, UW-Extension  
1150 Bellevue Street**

- I. Call Meeting to Order.
- II. Approve/Modify Agenda.
- III. Approve/Modify Minutes of Land Conservation Subcommittee of April 26, 2010.

1. Land and Water Conservation Department Monthly Budget Update (*copy will be provided at meeting*).
2. Budget Adjustment Request (#10-51): Federal Stimulus grant for Total Maximum Daily Load Project.
3. Update on Waste Transformation Project – Brad Holtz (*see attachment: Greening Brown County*).
4. Wildlife Damage Plan of Administration Approval – Jon Bechle (*see attachment Wildlife Damage Plan of Administration*).
5. Director's report.
6. Such other matters as authorized by law.

Norb Dantinne, Chair

Notice is hereby given that action by the Committee may be taken on any of the items which are described or listed in this agenda. Please take notice that it is possible additional members of the Board of Supervisors may attend this meeting, resulting in a majority or quorum of the Board of Supervisors. This may constitute a meeting of the Board of Supervisors for purposes of discussion and information gathering relative to this agenda.

**PROCEEDINGS OF THE BROWN COUNTY  
LAND CONSERVATION SUBCOMMITTEE**

Pursuant to Section 18.94 Wis. Stats., a regular meeting of the **Brown County Land Conservation Subcommittee** was held on Monday, April 26, 2010 at UW-Extension -1150 Bellevue Street, Green Bay, Wisconsin

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**Present:** Norb Dantine, Bernie Erickson, Dan Haefs, Dave Kaster, Mike Fleck,  
Norb VandeHei  
**Also Present:** Bill Hafs, Tom Hinz, Jayme Sellen, John Luetscher, Supervisors Scray & Clancy  
Other Interested Parties.

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I. Call Meeting to Order.

The meeting was called to order by Senior Member Supervisor Haefs at 6:00 p.m.

II. Approve/Modify Agenda.

A motion was made by Supervisor Fleck and seconded by Supervisor Dantine to approve. Vote taken. **MOTION CARRIED UNANIMOUSLY.**

III. Election of Chair.

A motion was made by Supervisor Erickson to nominate Supervisor Dantine as Chair of the Land Conservation Subcommittee. Supervisor Dantine elected by unanimous ballot.

IV. Election of Vice Chair.

A motion was made by Supervisor Haefs to nominate Supervisor Erickson as Vice-Chair of the Land Conservation Subcommittee.

A motion was made by Supervisor Fleck to nominate Supervisor Kaster as Vice-Chair of Land Conservation Subcommittee.

Supervisor Haefs withdrew his nomination for Supervisor Erickson.

Supervisor Kaster elected as Vice-Chair by unanimous ballot.

V. Approve/Modify Minutes of Land Conservation Subcommittee of March 22, 2010.

A motion was made by Supervisor Erickson and seconded by Supervisor Fleck to approve.

**Communications**

1. Communication from Supervisor Scray re: With fears of revenue from State and Federal sources being cut, I am asking each Department Head to decide ahead of time where they could cut another 10%, if needed, while doing their budget process. This may include mandated services that department heads feel are not beneficial to County and the penalties are not severe. Held for one month.

Supervisor Scray stated that she had plans to meet with the County Executive and noted that she hopes this all can be done through the budget. Last year when the State and

Federal revenues needed to be cut the final cut came from Human Services. Scray suggested encouraging Department Heads to be somewhat in charge of their budget in figuring out where they could cut 10% of their budget, such as a program that they don't feel is beneficial to the County or to their department. She stated it doesn't mean that the Board can't, at the last minute on the County Board floor, cut departments. Another part is to look at mandated services and try and figure out to what extent do we need to abide by these mandated services. Is it worth the penalty and or to what extent does it have to be done to save the County some money. The State keeps handing mandated services down but also cuts funding. Scray questioned what we are here for. She stated she plans to continue to work on this issue and would like to work with the Department Heads after meeting with the Executive. The forecast for this year is the lowest federal income revenue recorded in many years and the County has to start looking at what it can function with and without.

Haefs stated that with regards to his communication last year his goal was that whatever the County does that they are productive. The problem is 10% would be \$30 million and it would virtually be taking a meat cleaver to a lot of programs and he stated that was not his approach. His idea was, from reality sake, if you can achieve a goal of a zero tax levy increase just to predict what you may or may not have to do, you may have to deal with several million dollars in shared revenue reduction. You may have to deal with some income that you are not going to realize because of the time value of money now, the interest rates on money. The county used to get a lot of money from collecting money in December from taxes and it was placed in a money market fund. Interest income is down. His idea was more or less to take a look at the ability of the taxpayer to pay and look for a net levy increase of zero dollars composite. He felt it was the levy dollars that really matter but it is also the ability of the people to pay. Haefs stated that he said ten years ago, the budget is workable in salary and benefits. He believed the entire county budget is 80-85% of levy and everything is salary and benefits. You can't cut out enough dump trucks or plows and come up with these kinds of dollars. He felt the big thing for everyone to realize is that with the coming budget he will not raise someone's taxes and went on to further discuss the unemployment rates in Brown County. Haefs stated that he was looking to get over the rough spot of the next year or two and he thinks it can be done. He mentioned that last year they could have had a zero levy increase with something as simple as one peck at the general fund for \$350,000. His biggest complaint is that somehow it had to be conveyed to the staff that the County Board is serious about it and will work with them but they need to set a goal ahead of time and stated that he felt the current budgetary process was wrong.

Scray added that the funding that the County is getting back in Federal and State income taxes for different services is going to be cut. The County will have to levy the difference of what the Federal and State Government is giving and what the county is having to pay to keep the services going. There is going to be less revenue from those taxes and that's what she stated she is getting to. Haefs stated he was glad to hear that that was Scray's goal.

**A motion was made by Supervisor Haefs and seconded by Supervisor Erickson to receive and place on file. Vote take. MOTION CARRIED UNANIMOUSLY.**

2. Review and Approve: Resolution Supporting the Attorney General and Governor of Wisconsin to Pursue Remedies to Stop Asian Carp Species from entering Lake Michigan and Protect Wisconsin Interests (5 minute video on Asian Carp).

Bill Hafs referred to resolution in the packet and a handout (attached) re: Wisconsin: Socioeconomic Case for Clean Water and stated the video relates to these items.

**A motion was made by Supervisor Haefs and seconded by Supervisor Erickson to approve the resolution. Vote taken. MOTION CARRIED UNANIMOUSLY.**

After further discussion, Supervisor Erickson amended the last paragraph of the resolution to state "BE IT FURTHER RESOLVED, by the Brown County Board of Supervisors that the County Clerk shall forward a copy of this resolution to the Governor of the State of Wisconsin, the Attorney General of the State of Wisconsin, Brown County's Legislative Representatives, **Federal Representatives**, to the Wisconsin Counties Association, **National Association of Counties (NACo)**, and to all other Wisconsin Coastal Counties urging adoption of a similar resolution.

**A motion was made by Supervisor Haefs and seconded by Supervisor Erickson to approve resolution as amended. Vote taken. MOTION CARRIED UNANIMOUSLY.**

3. Review and Approve Proposed Changes to Brown County Animal Waste Management Ordinance related to permits requesting storage of animal waste and other wastes (industrial, municipal, septic) in Brown County Animal Waste Management Ordinance Permitted Facilities.

Haefs stated for the first time in the history of the Animal Waste Management Ordinance, which was put on the books in 1985, the Land Conservation department had had a company or land owner come to them that wanted to build an animal waste storage facility that also stored industrial waste. Corporation Counsel added language to the resolution defining other waste which is anything with industrial waste, domestic waste, and septic waste as defined by those in the code. Haefs stated that he had sat down with the DNR to ask what they were going to do and what they wanted Brown County to do. It was mutually agreed by the DNR and the Land Conservation Department that it should be a joint permit for that facility. The DNR will permit the facility for industrial waste, Land Conservation will permit it for animal waste, and therefore there is no loophole either way on this ordinance. If the language was not included it would be Haefs fear that land owners who couldn't store animal waste in there, it would just be regulated by the DNR and the spreading would not be regulated. Likewise, if they just permit it for animal waste, they don't look at industrial waste issues. What this ordinance does is cover the Land Conservation's aspect of the permit and the DNR is going to have to cover their aspect of the permit which is industrial waste, septic waste or municipal waste.

**A motion was made by Supervisor Erickson and seconded by Norb Vande Hei to approve. Vote taken. MOTION CARRIED UNANIMOUSLY.**

4. Land and Water Conservation Department Monthly Budget Update (copy to be provided at meeting).

**A motion was made by Supervisor Haefs and seconded by Supervisor Fleck to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY.**

5. Budget Adjustment Request (#10-34): Increase in expenses with offsetting increase in revenue (see attached).

Haefs stated this was unused dollars from 2009 that they are asking to be transferred to 2010. It was designated for this project and wouldn't be able to use the funds for anything else.

**A motion was made by Supervisor Haefs and seconded by Supervisor Erickson to approve. Vote taken. MOTION CARRIED UNANIMOUSLY.**

6. Director's Report.

An editorial by Tom Sigmund was provided re: Cities can't clean water on their own. Hafs stated that he had gone to the phosphorus hearing and explained that what the State of Wisconsin is doing is going to create a phosphorus standard which would cost the Green Bay Metropolitan Sewerage District \$223 million dollars. What is stated in this article is that they can't do it alone (see attached). Hafs emphasized that he agreed with the article and felt that the money is going in the wrong place.

Hafs stated the City of Green Bay, City of DePere, Sheboygan, Fond du Lac, and surrounding areas were at the public hearing.

**A motion was made by Supervisor Kaster and seconded by Supervisor Fleck to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY.**

7. Such Other Matters as Authorized by Law.

Land Conservation meetings will be held the 4<sup>th</sup> Monday of the month prior to the PD&T Committee meeting at 6:00 p.m. (November through April) and at 7:00 p.m. (May through October).

**Motion made by Supervisor Erickson and seconded by Supervisor Fleck to adjourn at 6:35 p.m. MOTION APPROVED UNANIMOUSLY**

Respectfully submitted,

Recording Secretary  
Alicia A. Loehlein

## BUDGET ADJUSTMENT REQUEST

<u>Adjustment</u>	<u>Description</u>	<u>Approval Level</u>
<input type="checkbox"/> Category 1	Reallocation from one account to another <u>within</u> the major budget classifications.	Department Head
<input type="checkbox"/> Category 2	<input type="checkbox"/> a. Change in Outlay not requiring the reallocation of funds from another major budget classification. <input type="checkbox"/> b. Change in any item within Outlay account which requires the reallocation of funds from any other major budget classification or the reallocation of Outlay funds to another major budget classification.	County Executive County Board
<input type="checkbox"/> Category 3	<input type="checkbox"/> a. Reallocation between budget classifications other than 2b or 3b adjustments. <input type="checkbox"/> b. Reallocation of personnel services and fringe benefits to another major budget classification except contracted services, or reallocation to personnel services and fringe benefits from another major budget classification except contracted services.	County Executive County Board
<input type="checkbox"/> Category 4	Interdepartmental reallocation or adjustment (including reallocation from the County's General Fund)	County Board
<input checked="" type="checkbox"/> Category 5	Increase in expenses with offsetting increase in revenue	County Board

Increase	Decrease	Account #	Account Title	Amount
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.048.001.4301.101	Federal grant rev stimulus secondary	\$39,634
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.048.001.5100	Regular earnings	\$24,077
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.048.001.6110.020	Outlay, equipment (\$5000+)	\$7,592
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.048.001.5335	Software	\$1,465
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.048.001.5395	Equipment, nonoutlay	\$1,500
<input type="checkbox"/>	<input checked="" type="checkbox"/>	100.048.001.4302	State grant revenue	\$5,000

## Narrative Justification:

In 2009, the Land and Water Conservation Department received a \$40,000 grant (\$366 of which was recognized in 2009) through the Wisconsin DNR for work to be done by county staff on the state's Total Maximum Daily Load (TMDL) project in Brown County through September 2010. To accomplish this work, the LWCD needs to replace an obsolete scanner with a new multi-function device as well as some additional equipment. The remaining funds will be used to offset staff time for this project.

## AUTHORIZATIONS

Bill Hap  
Signature of Department Head

Don Hany  
Signature of Executive

Department: Land & Water Conservation

Date: 5/24/10

Date: 5/24/10

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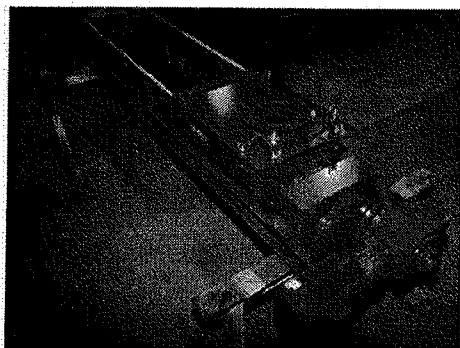
Putting The Landfill Energy Myth  
To Rest

## GREENING BROWN COUNTY

# AGGREGATING ORGANICS TO TAP FERTILIZER MARKETS

*Initiative charts the economic feasibility of producing fertilizer pellets in a regional facility with organic residuals from wastewater treatment plants, CAFOs, meatpackers and other generators.*

*Diane Greer*

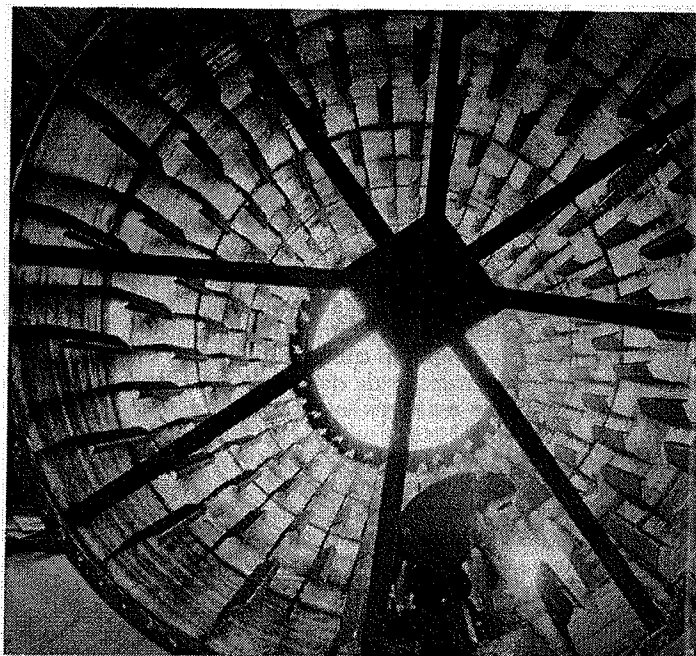


**Screening separates pellets coming out of the drier into three streams: oversized granules, fines and the appropriately sized pellets. The oversized granules are crushed, mixed with the fine stream and then returned to the paddle mixer as the dry recycle material added to the wet feedstock at the beginning of the process.**

**I**N Brown County, Wisconsin, a public-private partnership is working on aggregating and processing organic wastes into saleable, nutrient-rich fertilizer products. The Brown County Waste Transformation Initiative (BCWTI), a stakeholder group comprised of industrial, agricultural and municipal entities, was formed in 2008 to determine if a regional facility could be developed to manage the county's various streams of organics.

Biosolids produced at the Green Bay Metropolitan Sewage District are incinerated and the residual ash is landfilled. Currently wastes generated by meat packers, dairy farms and related industries are land applied. "In the last 15 years, Brown County has experienced significant urbanization and with that urbanization came a loss of rural space which was used to land spread these materials," explains Brad Holtz, agronomist with the Brown County Land and Water Conservation Department in Green Bay. At the same time the dairy industry has grown.

The county is currently home to 15 CAFOs (confined animal feeding operations) with permits pending for several more. Less available land and more generation are increasing economic pressures on all waste producers,



requiring them to travel further and pay more to dispose of their residuals. "In some ways waste is a cap on how much these industries can grow," says John Katers, associate professor at the University of Wisconsin, Green Bay. "A cap on the agricultural industry has an impact on the meat industry and right on down the line."

As volumes grow, so, too, do environmental problems. Land application is contributing to ground and surface water contamination, air pollution and farm odors. Excess nutrient runoff is causing algae blooms in the Lower Fox River and the Bay of Green Bay, Holtz says. In 2009, more than 100 wells were polluted with parasites and bacteria from agricultural runoff in the Town of Morrison.

### POOLING RESIDUAL STREAMS

The Waste Transformation Initiative has brought together a group of diverse



stakeholders to evaluate aggregating and converting organic wastes into pelletized fertilizer. Katers notes that the ability to aggregate residuals to create products is critical since no single generator has enough volume to support a fertilizer plant. Materials considered for aggregation include 12,000 dry tons/year of municipal biosolids, 3,500 dry tons of meatpacker wastes comprised of wastewater sludge, paunch manure and barn waste, and manures from agricultural operations. The total dry volume of this quantity is about 28,700 cubic yards/year.

Stakeholders in the group include the Brown County Land Conservation Department; the University of Wisconsin at Green Bay; the Green Bay Metropolitan Sewage District (GBMSD); the De Pere Wastewater Treatment Plant (DWTP); the City of Appleton; two meat packing facilities, the American Food Group and JBS Packerland; Sanimax, an animal rendering company; Ag Venture, LLC; FEECO International (FEECO); ENCAP and Daanen & Janssen, Inc. The first step in the project was to characterize the various waste streams. "We looked at solid content, moisture content, the nutrient value of the materials and a number of physical characteristics that were important in terms of making [fertilizer] granules," Katers explains.

Samples of eight different waste streams, sewage sludge from the Green Bay and De Pere treatment facilities, wastewater sludge from the two meat packing facilities as well as barn manure and paunch, were analyzed and tested by FEECO to determine the best way to make fertilizer pellets out of these feed-

Less land and more waste generation are increasing disposal challenges.

stocks. FEECO manufactures agglomeration and thermal processing equipment for converting raw materials into pelletized fertilizers. "We blended the waste streams in the proportion of how they are being generated to create the pellets," explains Lee Hoffman, vice president and general manager at FEECO. "Then we did physical property testing — crush strength, bulk density and size, to name a few."

#### PELLET PRODUCTION, CROP TRIALS

FEECO's process for creating pellets starts by mixing the wet feedstock with

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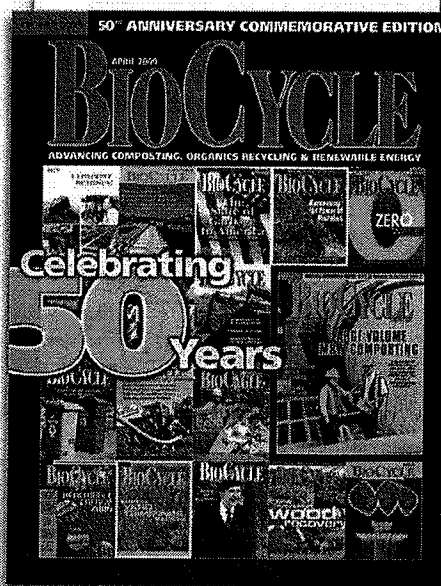
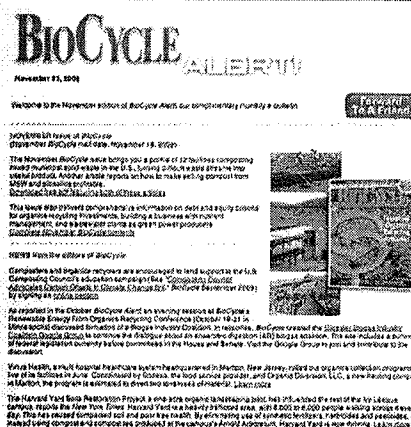
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The team is currently considering anaerobic digestion for the materials that were eliminated after initial testing because they were too fibrous. Biogas produced by the process could assist in drying the materials that will be pelletized for fertilizer in this large rotary drier (inside view above, outside view below).

two parts of dry materials in a paddle mixer. Materials from the paddle mixer go into the rotary dryer after going through a machine that forms the mixture into pellets. "You can't run them right into rotary drying when they are received," Hoffman adds. "They tend to stick to the shelf and you expose yourself to the potential for a fire."

Once dried, the materials go up a bucket elevator to a double deck screen, which separates the appropriately sized pellets from the oversized and fine streams. The oversized granules are crushed, mixed with the fine stream and returned to the paddle mixer as the dry recycle material that gets added to the wet feedstock at the beginning of the process. Meanwhile the product stream from the screening process goes to a cooler.

Initial testing found that four of the eight materials, the barn manure and paunch from each of the meat packing houses, were not practical. "There were very fibrous," Hoffman says. "They needed to be ground down, which is a very expensive process, before they could come into the program."

The team decided to run field tests on the pellets made from the four remaining waste products, municipal biosolids from two waste-water treatment plants and wastewater sludge from two meat packing facilities. FEECO produced 6,000-lbs of pellets, dubbed the "4-blend," for the trials, funded with a \$30,000 grant from the University of Wisconsin (UW) Systems Solid Waste Research Council. The trials were conducted during the 2009 growing season at five sites. Two small plots growing corn and alfalfa were established at the UW Research Farm in Arlington by a soil scientist, Richard Wolkowski. Three test plots were located on farms in Brown County where the fertilizer was applied in field length strips. For these tests, Wolkowski worked with Holtz and his team at the Brown County Land and Water Conservation Department.

On-farm testing at the five sites looked at blending the pellets with urea to reduce the need for straight urea in the field, Wolkowski explains. The idea is to obtain 10 to 25 percent of the total corn nitrogen requirement from the pellets. "Our yields looked pretty good," he says. "Results tended to show that, at least for the conditions we had last year, most of the test sites were able to substitute up to 25 percent."

Wolkowski hopes to obtain funding to repeat the tests this year. Testing of this type is best done over a three-year period to take into account different conditions. "It looked real promising but I hesitate to make a full-scale endorsement unless we know much more about it," he adds.

#### EVALUATING A DIGESTER

The team is currently considering anaerobic digestion for the materials eliminated

**The idea is to obtain 10 to 25 percent of the total corn nitrogen requirement from the pellets.**

from the initial testing. These materials are very fibrous. "A digester could effectively pretreat these materials, and make them more amenable to a fertilizer product," Hoffman says. After digestion, the separated solids from the digestate could be combined with the other materials in the process and pelletized. "We think it is a viable economic solution."

Biogas produced by the process could assist in drying the materials. "A digester would also allow us to increase revenues on the front side by taking in other waste streams that would be high in BOD (biological oxygen demand) and maybe too high in moisture content to dry down into fertilizer," Holtz says. There are a number of cheese processors, candy makers and malting facilities in the regions that could supply codigestion feedstock for the process.

A market study and preliminary financial analysis of the project look favorable. The financial plan found that project economics are sensitive to the selling prices for the pellets and energy costs. "At a selling price of \$150/ton the project is generally viable," Katers says. "At \$100/ton, some level of energy cost reduction is required."

The primary challenge now is to determine an ownership structure for the entity producing the products. "A recent survey of the stakeholder group indicated that they would like the GBMSD, Brown County or a combination of the two entities to step up to the plate and take ownership by the horns," Holtz says. GBMSD recently completed a biosolids management plan that was looking at four alternative processes. Two of the four options incorporate some variation of the fertilizer facility. Ultimately, anaerobic digestion with further thermal processing was selected; it includes production of fertilizer pellets, as well as energy recovery.

For its part, FEECO is looking into better ways to process the paunch and cow manures not included in the original product tests. They are also providing support to the engineering company that is helping GBMSD with its biosolids study. "We have been doing some drawings and are trying to integrate the digester in the process as well," Hoffman explains.

The plant FEECO is designing would produce 17,500 tons/year of dry fertilizer pellets. "That is as small as you can go to make the economics work," he adds, noting that the concept has applicability in other regions. "There are a whole host of places where this can work across the country. It is just a matter of getting enough materials in one location to justify putting in a fertilizer plant. Economies of scale come into play, so aggregation of materials is really the key."

*Diane Greer is a Contributing Editor to BioCycle.*

WISCONSIN WILDLIFE DAMAGE PROGRAM  
PLAN OF ADMINISTRATION  
BROWN COUNTY  
(the County)

As confirmed in the County Board of Supervisor's Resolution No. 1987, the County requests to participate in the Wildlife Damage Abatement and Claims Program (WDACP), established under s. 29.889, Stats., and ch. NR 12, Wis. Adm. Code. This Plan of Administration (Plan) outlines the relationships and duties of the County and the Wisconsin Department of Natural Resources (WDNR), herein called the Parties. By submission of this Plan the County agrees to fully comply with s.29.889, Stats., ch. NR 12, Wis. Adm. Code and the Wisconsin WDACP Technical Manual, which are hereby incorporated and made part of this Plan by reference.

A. Definitions: For the purposes of this Plan, the Parties, the County and WDNR, accept the definitions found in s. 29.889(1), Stats., and s. NR 12.31, Wis. Adm. Code. In addition, the Parties agree that:

1. "Improperly filed claims" means any wildlife damage claim received by WDNR which does not comply fully with all eligibility requirements of s. 29.889, Stats., ch. NR 12, Wis. Adm. Code or this Plan and comply with procedures described in the WDACP Technical Manual.
2. "Permanent fence contract" means any fence contract written in accordance with the Wisconsin WDACP Technical Manual and designed to remain effective for a minimum of 15 years.
3. "Barrier fences" means a permanent non-electric fence. Permanent fences composed of multiple wires having less than one half the wires electrified shall be considered "non-electric", and thus are "barrier fences".

B. Level of Participation:

The County agrees to administer the full Wildlife Damage Abatement and Claims Program.

C. Eligible Species:

The County agrees to administer the WDACP with respect to the following wild animals: deer, elk, geese, bear and turkey.

D. Eligible Crops:

The County agrees to provide the WDACP with respect to the following: Damage to commercial seedlings or crops on agricultural lands, to crops that have been harvested for sale or further use but have not been removed from the agricultural land, orchard trees, Christmas trees, nursery stock, livestock or apiaries.

E. Administration Responsibility:

1. The Land Conservation Committee (LCC) shall provide overall supervision of the WDACP including approval of: annual budget requests, permanent fence contracts, properly filed wildlife damage claims and landowner appeals (if any).
2. The Land and Water Conservation Department shall provide day-to-day administration, recordkeeping, purchasing, field investigations, field operations, damage abatement prescriptions, crop appraisals and budget preparation.

F.      Budgeting:

1.      The County agrees to:

- a.      Prepare a draft WDACP budget request for the following calendar year for County review at the October LCC meeting.
- b.      Keep administrative costs to a minimum.
- c.      Provide an annual budget request (Section IV.) to WDNR by **November 1st** immediately proceeding the calendar year it pertains to. All budget requests will include cost estimates for administration, abatement, wildlife damage claims and an estimated number of claimants.
- d.      Prepare quarterly reimbursement requests to WDNR for eligible WDACP expenditures by the following deadlines: 1st quarter - May 31; 2nd quarter - August 31; 3rd quarter - November 31; 4th quarter - March 1.
- e.      Not bind WDNR for expenditures beyond the approved County Plan of Administration. The County may, by written amendment, request additional funding. It is understood that additional funding is not guaranteed and is subject to fund availability.
- f.      Submit all wildlife damage claim requests for the previous calendar year to WDNR by the next succeeding **March 1st**.

2.      WDNR agrees to:

- a.      Review and approve, amend or deny the annual budget request in accordance with s. NR 12.32, Wis. Adm. Code, and s. 29.889, Stats.; and advance funds under s. NR 12.34, Wis. Adm. Code within 30 days of budget approval.
- b.      Review and approve, amend or deny reimbursement requests in accordance with ss. NR 12.34 and 12.35, Wis. Adm. Code.
- c.      Review and act on properly filed wildlife damage claims requests no later than **June 1** following the calendar year in which damage occurred.
- d.      If eligible wildlife damage claims are submitted late by the County, WDNR may accept and process the claims if funds are available, and if the payment will not adversely affect claimants for preceding calendar year claim payments.
- e.      If statewide approved wildlife damage claims exceed available funds, claims shall be paid on a prorated basis.

3.      The Parties mutually recognize and agree:

- a.      WDNR shall not bind the State of Wisconsin to pay costs beyond the amount appropriated for the WDACP. WDNR may defer until after July 1st, the payment of County reimbursement requests beyond the initial 25% funds advancement.

- b. The County may distribute permanent fence materials to the landowner immediately upon the LCC's approval of a signed permanent fence contract, after written project approval by WDNR, completion of the bidding process and subject to the limits imposed by the WDNR approved WDACP budget for that year.
- c. Supplies, materials, and equipment purchased for WDACP operations shall be turned over to the WDNR or its agents if this Plan is terminated by any of the Parties.
- d. WDNR shall not reimburse the cost of abatement measures unless those measures were prescribed and implemented according to county direction and the Wisconsin WDACP Technical Manual, or unless written approval is given by WDNR.
- e. WDNR shall not make payment for any wildlife damage claim which does not comply with all eligibility requirements of s. 29.889, Stats., ch. NR 12, Wis. Adm. Code or this Plan.

G. Recordkeeping:

- 1. The County agrees to:
  - a. Maintain recordkeeping practices and procedures that conform to accounting practices directed by the Department of Natural Resources and in compliance with s. NR 12.39, Wis. Adm. Code.
  - b. Make all records and files relating to the WDACP available to the WDNR, upon request.
  - c. Send copies of any WDACP documentation to the WDNR upon request.
  - d. Use WDNR authorized forms for billing and reporting.
  - e. Maintain separate crop owner files and keep records of all abatement recommendations, appraisals and all WDACP related interactions with that crop owner.
  - f. Direct all billings to WDNR, Auditor (see attached Contact Person List).
- 2. WDNR may conduct periodic audits of County recordkeeping procedures and prepare a written report to the County.
- 3. The Parties recognize and agree: That all WDACP records are subject to the Wisconsin Open Records Law, s. 16.61, Stats.

H. Abatement Measures:

- 1. The Parties mutually recognize and agree that:
  - a. The County shall prepare an annual informational news release for County residents on the WDACP describing how to enroll in the program.

- b. All enrollees shall be required to have a signed enrollment form on file to meet the hunting requirements in s. 29.889 (7m), Stats., prior to providing WDACP assistance.
- c. All abatement measures prescribed to alleviate wildlife damage shall conform to the procedures and priorities found in the Wisconsin WDACP Technical Manual and will be accepted by the County as complete and appropriate "prescribed abatement". Other abatement measures may be used if approved in advance in writing by WDNR.
- d. Temporary electric fences for deer damage abatement shall be "prescribed abatement" unless/until local data demonstrates them to be ineffective, in which case temporary fence shall not be recommended.
- e. In the event equipment loaned by the County to a particular crop owner is damaged beyond normal wear and tear, the crop owner shall be responsible for parts and labor to repair and the County agrees to seek such costs in all reasonable manners, including legal action. If the repair cost exceeds the value of the equipment, the crop owner will be billed for the equipment. If the crop owner fails to pay:
  - 1) the County shall refuse to provide subsequent materials or equipment until payment is made, and the crop owner would be ineligible for a wildlife damage claim appraisals or payment until reimbursement is paid to the County, or
  - 2) the County will deduct the amount from the participant's claim check on agreement by the claimant or
  - 3) the County will take reasonable legal action to recover the loss, and deposit the proceeds in the County's WDACP account.
- f. Permanent barrier fences for deer damage abatement shall only be prescribed subject to the priorities and conditions set forth in the Wisconsin WDACP Technical Manual and written approval sought from the WDNR prior to bidding and Contracting the fence project.
- g. A permanent fence contract shall be signed by the applicant/ landowner, the County, and WDNR prior to bidding for materials and installation costs. The Contract used shall have all the provisions in the "model" Contract in the current WDACP "Technical Manual". This Agreement shall be registered with the appropriate County Register of Deeds.
- h. All permanent fences shall be built according to the specifications found in the current WDACP Technical Manual.
- i. The County shall conduct inspections a minimum of one each year of all permanent fences cost-shared through the WDACP to insure Fence Contract Compliance.
- j. The County shall seek competitive bids for all expenditures likely to exceed \$1,000 in cost.

- k. Enrollees shall be encouraged to integrate sound conservation practices with their normal agricultural practices. Counties may place as a condition for abatement and claims assistance that enrollees comply with County farm conservation plans.
- l. The County will not administer to persons not cooperating with County personnel or the County's agents responsible for administering the County's Wildlife Damage Abatement Program. Abusive language, behavior or threats of violence or otherwise will be considered a failure on the part of an applicant to cooperate. This condition of administration will be provided by the County or its agent, in writing to program participants.

2. WDNR agrees to:

Provide current information on abatement effectiveness through the WDACP newsletter and/or changes to the WDACP Technical Manual.

I. Wildlife Damage Claims.

1. The County agrees to:

- a. Prepare an annual informational news release for County residents regarding the procedures and all WDACP claims eligibility requirements.
- b. Require that potential claimants specify in writing or by telephone: the location of damage, crop(s) being damaged, species of wildlife causing damage and the date damage first occurred.
- c. Require potential claimants to sign an enrollment form (state form) and witnessed by the County's damage specialist and keep this form on file. The County shall require the enrollee to keep a hunting access log, using the state approved form. This log shall be kept complete and the Enrollee shall make this log accessible to the County or WDNR for their enforcement of the hunting access requirement and to investigate any complaints regarding compliance to the hunting access requirement in s. 29.889 (7m), Stats.
- d. Shall record the date of contact by the enrollee, shall inspect the alleged damage to verify the claimant's statements and recommend abatement measures.
- e. Determine the amount of huntable land and the applicable number of hunters for each enrollee, notify each enrollee of the requirement to allow at least 2 hunters per 40 acres of land suitable for hunting, and provide "Hunting by Permission Only" signs.
- f. Provide the WDNR, and the public, upon request, a list of enrollees, and their phone numbers.
- g. Notify WDACP enrollees that ineligibility on any site will result if they fail to:
  - 1) control hunting access all contiguous lands under the same ownership or control on the property on which damage is occurring.
  - 2) allow public hunting (at least two hunters/40 acres on all contiguous

lands under the same owner-ship and/or control, at any point in time).

- 3) sign County witnessed enrollment forms allowing public hunting for the damage species in the damage year.
  - 4) file a wildlife damage complaint with the County within 14 days of first damage each year.
  - 5) follow the County's abatement prescriptions.
  - 6) notify the County, orally or in writing, 10 days prior to harvest of crops subject to a statement of claim so that the County can conduct a damage appraisal.
  - 7) comply with the requirement that they not charge any hunting fee or any fee associated with the hunting activity.
  - 8) meet their shooting permit harvest objective if a shooting permit has been issued.
- h. Inspect the crop prior to harvest, conduct an appraisal upon the crops using appraisal methods detailed in the WDACP Technical Manual, and prepare a wildlife damage claim form.
  - i. Retain the claim until the end of the calendar year to determine the claimant's compliance with the WDACP requirements.
  - j. Establish, as described below, uniform unit prices for eligible crops and calculate the value of the eligible wildlife damage claim.
  - k. Deduct from the total wildlife damage claim amount any charge for damage to equipment.
  - l. Summarize and prepare the necessary WDNR forms for all eligible wildlife damage claims for review by the County LCC at the January committee meeting.
  - m. Notify in writing any claimant whose wildlife damage claim has been rejected and state the reasons for the rejection, as well as, the appropriate appeal procedures in time for the February LCC meeting.
  - n. Review and approve all properly filed wildlife damage claims and forward all approved claims for a calendar year to WDNR by the succeeding March 1st.
  - o. Deny all wildlife damage claims for crops that were harvested without notification of harvest or before an appraisal was completed (within a 10 day period from notification of harvest).
  - p. Deny all wildlife damage claims for a crop site for which a WDACP enrollment form was not signed by the claimant and filed with the County.
  - q. Deny all wildlife damage claims where the County did not receive a complaint within 14 days of first damage.



- r. Deny all wildlife damage claims concerning crop sites where the County's abatement recommendations were not followed.
- s. Deny all wildlife damage claims where the enrollee with a deer damage shooting permit had not complied with the WDNR prescribed harvest objective. However, if there is compelling evidence which shows deer were unavailable to being shoot, then the County shall review such evidence following procedures described in s. NR 12.37(4)(a)4.b., Wis. Adm. Code.
- t. Deny all wildlife damage claims on row crops for damage occurring to these crops during a particular growing season after 90% of the County harvest for this crop has been completed. The County LCD shall consult the County FSA and UW Extension offices for assistance in making the 90% determination. The County shall send out the news release to inform the public of the cut-off date.

2. WDNR shall:

Accept the amount of wildlife damage for all properly filed wildlife damage claims approved by the County as final for purposes of review.

3. It is mutually agreed by the County and WDNR that:

- a. Damage assessment for compensation will be performed by County staff in accordance with the WDACP Technical Manual, and will be accepted by the County as complete and accurate "assessed damage".
- b. Compensation prices will be established by the Land Conservation Committee, in cooperation with UW Extension, each year. Such prices will be established according to procedures set forth in the WDACP Technical Manual. Such prices will be applied to all individuals with eligible wildlife damage to that crop that year throughout the County.
- c. Public complaints (hunting requirement, abatement compliance, fraud, etc) must be written, signed and received by the County by December 31 to be given consideration in the wildlife damage claims determination process.
- d. The County will not administer a damage appraisal and/or claims to persons not cooperating with County personnel or its agents responsible for administering the County's Wildlife Damage Claims Program. Abusive language, behavior or threats of violence or otherwise will be considered a failure on the part of an applicant to cooperate. This condition of administration will be provided by the County or its agent, in writing to program participants.

J. Changes:

The terms of this Plan may be changed by written amendment approved by all Parties.

K. Termination:

- 1. The County may terminate participation in the WDACP upon notifying WDNR in writing thirty (30) days prior to termination.

2. WDNR shall terminate a County Plan of Administration if the County does not comply with all conditions of s.29.889, Stats., ch. NR 12, Wis. Adm. Code, this Plan, the Wisconsin WDACP Technical Manual or fails to properly report costs of the program or claims. WDNR shall give 30 days written notice of termination.
3. WDNR agrees to reimburse the County for reasonable WDACP costs incurred and determined proper by WDNR under this Plan prior to the effective date of termination.

L. Length of Effect:

This Plan shall remain in effect until December 31, 2014 (5 years from WDNR approval).

M. Approvals:

BROWN COUNTY

Date \_\_\_\_\_

By \_\_\_\_\_

Title \_\_\_\_\_

DEPARTMENT OF NATURAL RESOURCES

Date \_\_\_\_\_

By \_\_\_\_\_

Director,  
Bureau of Wildlife Management

CONTACT PERSON LIST:

1. Brad Koele, Wildlife Damage Specialist  
WDNR  
GEF 2, WM/6  
P.O. Box 7921  
Madison, WI 53707-7921                      phone: 608-266-2151
2. Laurie Fike, Program Specialist  
WDNR  
GEF 2, WM/6  
P.O. Box 7921  
Madison, WI 53707-7921                      phone: 608-267-7974
3. Brown County Land & Water Conservation Department  
Jon Bechle, Program Manager  
1150 Bellevue Street  
Green Bay, WI 54302                      phone: 920-391-4620
4. If the County hires a contractor to conduct field work, that person's name, address and phone number should appear here.



